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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/435, 940 11/09/99 ROTHROCK

L 042390.P5387

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EXAMINER

WM01/1106

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ART UNIT PAPER NUMBER

2672  
DATE MAILED:

11/06/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/435,940	ROTHROCK, LEWIS V.
	Examiner	Art Unit
	Chante Harrison	2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 August 2001.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-31 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- 15) Notice of References Cited (PTO-892)
- 16) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 18) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 19) Notice of Informal Patent Application (PTO-152)
- 20) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This action is responsive to communications: Amendment A, filed on 8/20/01.

***This action is made FINAL.***

2. Claims 1-31 are pending in the case. Claims 1, 9, 17 and 25 are independent claims. Claims 28-31 have been added. Claims 1-5 and 8-26 have been amended.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steve Mann et al., U.S. Patent 5,706,416, 1/1998, 345/427.

As per independent claim 1, Mann discloses identifying where two digital images overlap at a first resolution (abstract; col. 9-10), dividing the two images into a plurality of areas (col. 4, ll. 8 et seq.) and identifying where the areas overlap at the second resolution (col. 12, ll. 22 et seq.; col. 13, ll. 1 et seq.). Mann fails to specifically disclose dividing the images into areas at a second resolution higher than the first, however it would have been obvious to one of ordinary skill in the art at the time of invention to use his disclosure because he teaches identifying common/non-common portions and aligning the images in a consistent coordinate reference frame (col. 4, ll. 14 et seq.).

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As per dependent claims 2, 10 and 18, Mann discloses storing the images at the first and second resolutions (col. 14, ll. 55 et seq.; col. 12, ll. 35 et seq.; col. 14, ll. 55 et seq.).

As per dependent claims 3, 11, 19 and 26, Mann discloses storing the images at the first resolution to identify the overlap (col. 14, ll. 55 et seq.) and purging memory of the images at the first resolution and storing the overlapping areas in memory at the second resolution (col. 12, ll. 35 et seq.).

As per dependent claims 4, 12 and 20, Mann discloses using an edge detection technique to identify where the images overlap (col. 9, ll. 40 et seq.).

As per dependent claims 5, 13 and 21, Mann discloses identifying the coordinates where the images overlap (col. 7) and identifying overlapping areas based on coordinates (col. 8, ll. 7 et seq.), when identifying overlapping areas at the higher resolution.

As per dependent claims 6, 14, 22 and 27, Mann discloses combining the digital images (FIG. 1 '140'; col. 8, ll. 11-20).

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As per dependent claims 7, 15 and 23, Mann discloses identifying where the images overlap at resolution levels higher than the second level (FIG. 1 '150'; col. 8, ll. 7-35, 45 et seq.).

As per dependent claims 8, 16 and 24, Mann discloses identifying where another set of images overlap at the first resolution (col. 8, ll. 30 et seq.), dividing the two images into a plurality of areas (col. 4, ll. 8 et seq.), identifying where the areas overlap at the second resolution and combining the images (col. 8, ll. 7 et seq.). Mann fails to specifically disclose dividing the images into areas at a second resolution higher than the first, however it would have been obvious to one of ordinary skill in the art at the time of invention to use his disclosure because he teaches identifying common/non-common portions and aligning the images in a consistent coordinate reference frame (col. 4, ll. 14 et seq.).

As per independent claim 9, Mann discloses a medium (FIG. 2; col. 14, ll. 19 et seq.) for implementing the method of claim 1. Therefore the rejection as applied to independent claim 1 is included herein.

As per independent claim 17, Mann discloses a system (FIG. 2) having processors (FIG. 2 '220') for implementing the method of claim 1. Therefore the rejection as applied to independent claim 1 is included herein.

As per independent claim 25, Mann discloses a system (FIG. 2) for implementing the method of claim 1. Therefore the rejection as applied to independent claim 1 is included herein.

As per dependent claims 28-31, Mann discloses dividing the images at the second resolution into a plurality of tiles having a size less than a threshold (col. 12, ll. 22 et seq.).

***Response to Arguments***

Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Chante Harrison** whose telephone number is **(703) 305-3937**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Razavi**, can be reached at **(703) 305-4713**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

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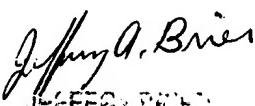
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



JEFFREY A. BRIER  
PRIMARY EXAMINER